UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BARSTOW FIELD OFFICE

FINDING OF NO SIGNIFICANT IMPACT

Southern California Edison
CACA-52616 - Abengoa-Mojave, CACA-52096 - Lockhart-Hinkley, CARI-01280 - Kramer-Lockhart, CALA030913 - Hinkley-Tortilla and CACA-21596 – Victor-Kramer

Environmental Assessment No. DOI-BLM-CA680-2010-0083

INTRODUCTION

This Finding of No Significant Impact (FONSI) addresses the issuance of a right-of-way (ROW) grant, grant amendments, and grant conversions under Title V of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. § 1761, for a proposed new aerial fiber optic line and electrical transmission infrastructure built across public lands under the jurisdiction of the Bureau of Land Management (BLM), Barstow Field Office. Authorizations for ROW grants and grant amendments are regulated by BLM in accordance with 43 CFR 2800 *et seq*., consistent with Departmental and Bureau regulations and policies and the California Desert Conservation Area Plan (CDCA Plan) (1980, as amended).

This FONSI considers the environmental impacts of the entire proposed project, including those impacts located on BLM lands and those associated with the connected action on non-BLM lands, e.g. the solar generation facility, substation, and their ancillary facilities. If a connected non-Federal action and its effects can be prevented by BLM decision-making, then the effects of that non-Federal action are considered indirect effects of the BLM action and must be analyzed as effects of the BLM action (BLM National Environmental Policy Act (NEPA) Handbook H-1790-1 at 46-48, citing 40 C.F.R. 1508.7. 40 C.F.R. 1508.25(c)). The non-Federal action is connected because it cannot or will not proceed unless the BLM grants ROW for fiber optic telecommunications lines across public lands.

BACKGROUND

The California Energy Commission (CEC) received an application for development of a solar trough energy generation project known as the Abengoa Mojave Solar Project, proposed to be built on private lands near Hinkley, California, north of State Highway 58. The Supplemental Staff Assessment was released by CEC on May 25, 2010. During the CEC review and analysis, the applicant, Abengoa Mojave Solar LLC, requested a federal loan guarantee for funding the construction of this project from the Department of Energy (DOE). The scope of the loan guarantee request included ancillary facilities that would extend onto public lands and require ROW authorizations from the BLM pursuant to Title V of FLPMA. DOE assumed the lead federal agency role for developing an Environmental Assessment (EA) in compliance with NEPA, and the BLM elected to participate as a cooperating agency.

Southern California Edison (SCE), the utility that proposes to construct and operate the ancillary facilities on public lands, therefore filed five separate ROW applications with BLM to install overhead fiber optic telecommunications lines and transmission infrastructure that are ancillary to the Abengoa Mojave Solar Project on one new short electrical line and four existing electrical lines. The ROW applications are as follows:

- CACA 52616, a new ROW for an above-ground fiber optic line
- CACA 52096, an amended ROW for a 34 kilovolt (kV) distribution line and the additional use of a fiber optic line
- CACA 21596, an amended ROW for a 115kV transmission line and the additional use of a fiber optic line
- CALA 30913, the conversion of an existing, pre-FLPMA ROW to a FLPMA ROW with the addition of an above-ground fiber optic line
- CARI 1280, the conversion of an existing, pre-FLPMA ROW to a FLPMA ROW and the additional use of a new fiber optic line

The installation of the fiber optic lines will include placement of at least 35 new wooden poles within four existing BLM-authorized ROW grants issued at various times to SCE, one new ROW grant for electrical transmission to link the new substation on private land to one of the four existing electrical lines on public lands, and temporary work areas spaced at regular intervals within or immediately adjacent to the existing ROW during installation of the new lines. The purpose of the fiber optic lines is to support an SCE special protection system, or internal utility telecommunication network, between substations and associated electrical lines. The four ROW to be amended and converted involve over 85 miles of new aerial fiber optic line, of which approximately 17 miles are across public lands under the jurisdiction of the BLM Barstow Field Office. Expiring grants would be renewed at the same time as they are upgraded. The public lands involved are within the Fremont Kramer Desert Wildlife Management Area (DWMA) (West Mojave Plan, 2006), designated for Desert Tortoise and Mojave Ground Squirrel conservation, and within San Bernardino County, California. The new ROW is for a short (less than one mile) transmission line partially located on public lands from a new substation to the wider electrical transmission system via one of the four existing lines in the area, and includes a fiber optic line to be installed at the same time as the transmission line to the new substation.

The solar project will require the construction and operation by SCE of a new electrical substation, to be named Lockhart, for electrical transmission and distribution into the Southern California electrical grid. This substation will be located on the private land area analyzed by CEC for the solar facility. The Lockhart substation is required to comply with the Department of Homeland Security Office requirement for emergency electrical grid system control management. The purpose of the extension of the transmission line to connect to this substation and the addition of the fiber optic lines is to support the solar project in an internal ancillary role for the new Lockhart Substation.

The connected action, Abengoa Mojave Solar Project, will cover 1,765 acres of predominantly fallow private agricultural land. The project will consist of two independently operable solar fields that will combine to generate 250 MW using parabolic trough technology. The proposed solar development will be located adjacent to the Harper Dry Lake Area of Critical Environmental Concern (ACEC), but neither the new transmission lines nor the ancillary fiber optic facilities are anticipated to directly or indirectly impact the Harper Dry Lake ACEC.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the Abengoa Mojave Solar EA and supporting documents, it is my determination that: (1) the approval of the ROW identified in the Proposed Action and the associated connected action will not have significant environmental impacts; (2) the Proposed Action is in conformance with the CDCA Plan; (3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment; and (4) the Proposed Action will not result in unnecessary or undue degradation of resource values. Therefore, the preparation of an environmental impact statement (EIS) is not necessary and will not be done.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance, 40 CFR § 1508.27, both with regard to the context and intensity of the impacts described in the EA and/or as articulated in the comment letters received. These considerations are summarized below.

Context

The installation of a short transmission line to the project site across public lands, new aerial fiber optic lines, new wooden poles to provide additional support for the addition of fiber optic lines onto the existing transmission lines, and renewal of expiring grants will primarily impact already disturbed lands. Some new disturbance will occur at fiber optic cable installation sites by SCE line trucks within and adjacent to existing transmission line maintenance roads. These disturbances will be temporary in nature, and will be reclaimed after installation of the new fiber optic cable. Temporary disturbance areas will result in a minimum amount of new disturbance consistent with the Abengoa Mojave Solar EA, and mitigation measures assure that these areas will be identified, surveyed, and mitigated prior to the commencement of any field work. The connected action private land development will occur on 1,765 acres of predominantly fallow agricultural land. The project site is located immediately south of an existing solar energy facility, Harper Lake Solar Electric Generating Station (SEGS VIII and IX). Given the previously disturbed nature of the project site, impacts will be minimal. Mitigation measures will avoid, reduce, and compensate for all impacts, and will ensure that impacts will be less than significant.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the SCE fiber optic installation on the five existing electrical transmission lines and from the non-federal connected action. As a result, I have determined that a FONSI is consistent with regard to each of the ten factors. The basis of these conclusions is summarized briefly below:

1. Impacts that may be both beneficial and adverse.

Potential impacts include: vegetation removal, soil disturbance and temporary noise and dust due to aerial fiber optic line placement, new wooden pole drilling and fiber optic installation (pull) sites. However, none of these impacts would be significant at the local scale or cumulatively because of the minor relative scale of the project and project design features detailed in the EA that would reduce erosion and visual impacts to immeasurable levels. The addition of these lines will reduce the potential for widespread electrical outages by allowing for more timely redistribution of electric transmission, thus minimizing the potential for transmission overload in the system. Potential construction impacts from the non-federal action could include vegetation removal, soil disturbance, temporary noise and dust, and loss of low quality habitat. Operation of the solar facility could also potentially impact water resources. However, these impacts would not be significant locally or cumulatively because of the disturbed nature of the project site, the lower water demands of a solar site

compared with agricultural uses, and the design features and required mitigation measures discussed in the Abengoa Mojave Solar EA.

2. The degree to which the proposed action affects public health and safety.
The EA fully analyzed potential impacts to public health and safety, and no aspects of the project have been identified as having the potential to significantly impact public health or safety. Standard safety precautions will be in place during construction to avoid safety hazards along the existing maintenance road for other public land users.

3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
The BLM project area is within the Fremont-Kramer Desert Wildlife Management Area (DWMA), while the non-federal action lies outside of the DWMA. Both the BLM and non-BLM portions of the project are southwest of the Black Mountain Wilderness. However, the project will not significantly affect these resource values. The U.S. Fish and Wildlife Service (FWS) Biological Opinion concluded that the project will not result in substantial loss of habitat in the DWMA, and imposed mitigation measures to limit impacts to desert tortoises. Any disturbance from the project will occur outside of and downwind of the designated wilderness area. The project area is located adjacent to the Harper Dry Lake Area of Critical Environmental Concern (ACEC), but neither the new transmission lines nor the ancillary fiber optic facilities are anticipated to directly or indirectly impact the Harper Dry Lake ACEC.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.
No anticipated effects have been identified that are scientifically controversial. The fiber optic lines are being added to existing lines and have been deemed essential by the Department of Homeland Security for the safe operation of the electrical transmission system and no substantial scientific evidence has been brought forward to dispute this finding. The non-federal connected action is on private, previously disturbed agricultural land, rather than on more sensitive conservation lands or critical habitat, thus decreasing the level of controversy.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
The analysis does not show that this action would involve any unique or unknown risks. Construction, operation, maintenance and reclamation activities associated with these lines are very similar to the same activities for the transmission lines to which they are being added, which have been ongoing for decades. Likewise, the non-federal connected action solar energy facility will be located on private lands next to existing solar plants with similar technology and hardware that have been operating for years.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
The upgrading and improvement of FLPMA ROW grants to respond to current needs is a regular practice employed as part of adaptive management of these grants, and is not precedent setting.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

Authorization of new ROW grants and ongoing improvements that serve public utility transmission systems has been analyzed in the BLM CDCA Plan and subsequent plan amendments. These analyses have resulted in the designation of utility corridors and communication sites, mechanisms for consideration of new facilities as the need arises, and subsequent programmatic agreements for ongoing operations and maintenance activities. No significant site specific or cumulative impacts associated with the BLM action or the non-federal connected action have been identified that could not be avoided through mitigation, or that are inconsistent with those identified and analyzed within the above plans and programs.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.

The project area of potential effect includes four sites determined to be eligible for the National Register of Historic Places, but the project will have no adverse effect on these properties. No Traditional Cultural Properties have been identified, and no historic properties will be affected. Potentially affected Indian tribes have been notified, and formal consultation for the NHPA Section 106 process has been completed.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

One listed species, the federally- and State-threatened Desert Tortoise (*Gopherus agassizii*) is known to occur in the project area of potential effect, and major portions of the five BLM ROW are located within designated critical habitat for this species. A biological opinion was provided by the USFWS as part of Endangered Species Act consultation for the entire Abengoa Mojave Solar energy generation project, including the five fiber optic lines. The FWS concluded in its biological opinion that the proposed project is "not likely to jeopardize the continued existence of the desert tortoise." FWS biological opinion at 39 (Mar. 17, 2011). The FWS identified specific measures to minimize impacts to desert tortoise. The BLM concurs with these protection measures in the biological opinion, which will be incorporated as stipulations in the ROW grant instruments, along with additional standard BLM stipulations to minimize direct and indirect impacts to listed species. Thus, the project will not have a significant impact on Desert Tortoise or its habitat.

10. Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

The approval of these grants across public lands does not threaten such a violation, nor does the non-federal segment of the project.

I have determined that the Proposed Action will not significantly affect the quality of the human environment and that the preparation of an EIS is not required.

Roxie C. Trost

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Barstow Field Office

July 6, 2011
Date